**IN THE UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF TEXAS**
**MARSHALL DIVISION**

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| DATATREASURY CORP., | § | No. 2:06CV-165 (DF) |
| Plaintiff | § | Hon. David J. Folsom |
| | § | JURY TRIAL DEMANDED |
| vs. | § | |
| | § | **DECLARATION OF MARK BRODY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS FOR LACK OF PROPER VENUE** |
| CITY NATIONAL CORPORATION; and CITY NATIONAL BANK, | § | |
| | § | |
| Defendants. | § | |

I, Mark Brody, declare as follows:

1. I am currently the Senior Vice President, San Francisco CBS at City National Bank (the "Bank"). I am responsible I am a team leader of the team responsible for the accounts of a CNB borrower with an address located in the Eastern District of Texas ("Borrower 2"). I became responsible for the accounts assigned to my team, including Borrower 2, on or about January 2005. As such, I am one of the custodians of the books, records, files and banking records of CNB as those books, records, files and banking records pertain to loans or extensions of credit to Borrower 2. I make this declaration in support of Defendants' Motion to Dismiss for Lack of Proper Venue in the matter of DataTreasury Corp. v. City National Corporation, *et al.*, No. 2:06CV-165 (DF), pending in the United States District Court for the Eastern District of Texas. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. The Bank has issued a loan to borrowers who list mailing addresses in the Eastern District of Texas. I have examined our records regarding one of these borrowers. The borrower is a California corporation. At the time of initiation of the loan, the borrower

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conducted business operations in California. Subsequently, the borrower moved its business operations to the Eastern District of Texas.

Executed on May 31, 2006, at San Francisco.

I declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge the foregoing is true and correct.

Mark Brody